

Metropolitan Transportation Commission

March 24, 2021

Agenda Item 8d - HANDOUT

Resiliency/Climate Adaptation Advocacy Principles

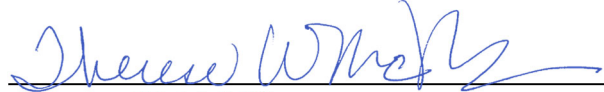
Subject: Adopt advocacy principles to guide legislative engagement on climate adaptation legislation, including but not limited to: Assembly Bill 11 (Ward), Assembly Bill 50 (Boerner-Horvath), and Assembly Bill 51 (Quirk) and Assembly Bill 897 (Mullin) as well as resilience-related bond proposals, Assembly Bill 1500 (Garcia) and Senate Bill 45 (Portantino). And update on actions taken by the ABAG Executive Board since the Committees' action and referral on March 12, 2021 will be presented by staff.

Background: The Joint MTC-ABAG Legislation Committee referred to the Commission and the ABAG Executive Board climate adaptation advocacy principles to guide staff's advocacy on various bills at its March 12th meeting. Since the meeting, staff has consulted with a number of Bay Area stakeholders as well as statewide organizations involved in climate adaptation and, based on that input and direction from the ABAG President, proposed a modified version to the ABAG Executive Board, attached. The key change made in the revised version was to remove the language recommending that the state assign responsibility for regional climate adaptation plans to councils of governments (COGs) and metropolitan planning organizations (MPOs) and instead recommend the legislation ensure that the responsibility for their development and adoption be assigned to public agencies, and that COGs and MPOs be identified as potential agencies to serve this role. This change was made in response to the concern that the state should not dictate the structure for who does this work given the very different structures of who is engaged in this policy area across the state. Instead, legislation can provide a framework that ensure public responsibility for the work but also enables each region to determine, subject to state review and approval, the appropriate public agency or agencies to lead this effort.

The ABAG Executive Board discussed the matter at their March 18 meeting. In response to concerns expressed by several ABAG Executive Board members that it would be beneficial to provide for additional time for feedback, the principles were deferred to April. In light of this, staff recommends the Commission also defer action on these principles to accommodate further opportunity for input, consistent with the action taken by the ABAG Executive Board.

Recommendation: Postpone adoption of the climate adaptation advocacy principles to April to allow more time for consultation with key stakeholders

Attachments: Revised principles presented to ABAG Executive Board on March 18, 2021.


Therese W. McMillan

Proposed Regional Resilience/Adaptation Advocacy Principles (REVISED)

March 5, 2021 March 18, 2021

1. **Build on Existing Regional Planning Processes and Authorities:** State law should ~~assign~~ ensure that regional climate adaptation plans are developed and adopted by ~~ning~~ responsibility to public agencies that are accustomed to tackling complex regional planning processes. ~~-, namely~~ Councils of government (COGs) and ~~-~~metropolitan planning organizations (MPOs) should be identified as potential agencies to serve in this role. ~~.-~~COGs and MPOs are governed by local policy makers who are accountable to the public and required to conduct their work in an open and inclusive manner. We are responsible for planning to address regional housing and transportation needs, both of which face significant climate resilience challenges. Specifically, state law requires that COGs and MPOs develop an eight-year regional housing needs allocation (RHNA) and a four-year sustainable communities strategy (SCS), respectively. To be effective, these plans must account for a wide array of impacts anticipated from our changing climate, which is why many of us have already begun integrating climate adaptation into our work.

With decades of regional planning work under our belts, COG/MPOs have the technical capacity and experience to effectively engage with the public and key stakeholders to develop regional plans that enjoy broad support and include specific strategies and funding plans to achieve challenging, long-term goals set forth by the state. With boards comprised of local elected officials, we have deep connections to the cities and counties that need to be key partners in making our communities more resilient to climate change. In addition, it is important to recognize that impacts from a changing climate will be predominately borne by low income and traditionally underrepresented communities – specifically, Black, Indigenous, and People of Color (BIPOC). As a public entity receiving state and federal funding, COG/MPOs are subject to environmental justice and equity mandates – including Title VI of the Civil Rights Act of 1964 as well as Executive Order 12898.

2. **Define Appropriate Roles:** Effective planning and implementation requires clarity about who is responsible for what to avoid conflicts as well as duplication of effort with taxpayer funds. The Legislature should provide clear direction regarding local, regional, and state roles in adaptation planning, and build on areas where each level of government already has some level of authority and responsibility.
3. **Climate Adaptation Planning Responsibilities Should be Assigned to Public Agencies:** There are many n~~N~~ongovernmental entities that are making significant contributions to climate adaptation research, community engagement and planning and the establishment of climate networks in state law should encourage the extensive public-private collaboration that is already underway. However, it is important that any new ~~-, such as regional climate collaboratives, have important contributions to make to climate adaptation but should not be assigned specific~~ planning responsibilities reside with public agencies. ~~-in state law. They are best suited to assist~~ Nongovernmental organizations can make significant contributions to climate adaptation ~~with~~ education, research and technological innovation, as well as convening stakeholders. Accordingly, ~~nonprofit entities~~ like public agencies, they should also

be eligible to receive funding from new state or federal grant programs for these purposes and their work should be coordinated with that of local and regional agencies.

4. **Support a Local/Regional/State Partnership Approach to Climate Adaptation:** Successful climate adaptation planning and implementation will depend on action at both the local and regional levels with guidance – and where possible, funding – provided by the state. This is analogous to housing planning, where the state requires regions to develop an overarching methodology for growth that achieves specific goals but leaves it up to regions to work out the details of a regional strategy and to local jurisdictions to identify specific sites and make the zoning changes needed.
5. **Secure New, Ongoing Funding:** Funding is needed as soon as possible to begin the necessary local and regional planning work to identify, prioritize, and design a pipeline of climate adaptation projects that are ready to receive capital funding. Funding should be identified to support the entire lifecycle of a project: planning, design, engineering, permitting, construction, and monitoring. One-time funds can help jump start this effort in FY 2021-22, such as through a state climate resilience bond or federal stimulus funding, but to institutionalize resilience and fully integrate it into long-range local and regional planning, additional resources will be needed. To ensure that *all* regions and local jurisdictions statewide have adequate funding to conduct this work, the state should augment regional planning funding and give COGs and MPOs a direct role in distributing some of the funds to local agencies so they are incentivized to implement projects and strategies developed in regional climate adaptation plans. This approach is modeled on the structure of the housing technical assistance established in AB 101 (2018), which formed the Regional Early Action Plan (REAP) and Local Early Action Plan (LEAP).